

## **Topsfield Zoning Board of Appeals**

January 24, 2012

Chairman Moriarty called the meeting to order at 8:00 PM at the Town Library. Board members present were Bob Moriarty, Kristin Palace, Jody Clineff and David Merrill. Roberta Knight, Community Development Coordinator was also present as well as the applicants, their representatives and interested residents. See attendance sheets for specific public hearings.

Visitors: Selectmen Martha Morrison and Richard Gandt; Frank Iovanella, Attorney Michael McCarron, James MacDowell, Attorney Joseph Giammarco, Kevin Breuer and Matt McQuaid

**53 Main Street:** At 8:00PM, Chairman Moriarty noted that Attorney Grenier had requested a continuation of the public hearing to February 28, 2012 and entertained a motion to approve. Clerk Kristin Palace followed with a motion to approve the continuation of the public hearing for 53 Main Street to February 28, 2012 at 8:00PM; seconded by Member Jody Clineff; so voted 4-0.

**488 Boston Street:** At 8:10PM, developer Frank Iovanella, Attorney Michael McCarron and project engineer James MacDowell met with the Board to discuss a preliminary site development proposal for 488 Boston Street which is a pre-existing non-conforming lot with two principal structures, a barn, other accessory buildings and two driveways. The proposal for the redevelopment of the 2.3 acre lot would be to create four non-conforming lots each with a principal structure. Three of the homes would be served by a common driveway. Each of the four lots would have a non-conforming frontage, area and lot depth. The setbacks would be conforming except for one rear setback. It was noted that there would be no impact to abutters since the lot is across from the golf course and is located in the Business Park District at the Ipswich town line. A portion of the backyard for each of the proposed lots would be in Ipswich. Moreover, the combined footprint of the four homes would be substantially the same as what is currently on the lot.

Developer and owner of the lot Frank Iovanella noted that keeping the current homes on the property is a financial burden since the houses are at the end of their economic life. Any further repairs to the structures are not economically feasible given the current housing and financial markets. The property has recently been appraised at \$330,000; however, the current assessment is \$550,000. He noted that he paid \$310,000 for the property several years ago and has invested a substantial amount in improvements.

Chairman Moriarty noted that this proposal would be a major alteration to the existing conditions on the lot and would require substantial forms of alternative relief to allow the construction of four principal structures and creation of four separate lots. Further, the Chairman noted that the issue for the Board would be the increase from two houses to

four houses that would require numerous variances. He went on to note that allowing such a major alteration would set a precedent for future development and as a matter of public policy he would not be in favor of the proposal. Members Clineff, Palace and Merrill also voiced their opposition to the proposal because of the need for substantial relief that would establish a precedent. All members agreed that the lot could be subdivided for two principal structures with a finding by the Board.

**285 Boston Street:** At 8:35PM, Chairman Moriarty called to order the public hearing to consider the application submitted AT&T Wireless PCS, LLC (“AT&T Mobility”) for: (1) a finding pursuant to Article III, Section 3.05 of the Zoning By-Law; and (2) a Special Permit pursuant to Article XII, Section 12.04, paragraph C sub-sections 3 & 4 of the Topsfield Zoning By-law to add three (3) panel antennas at a centerline of approximately 158’ and one (1) GPS antenna mounted on existing shelter within the existing fenced compound to the existing Major Wireless Telecommunications Facility located at 285 Boston St.

Attorney Joseph Giammarco of Brown Rudnick LLP, Kevin Breuer and Matt McQuaid of AT&T Mobility represented the applicant. Attorney Giammarco stated that the applicant is requesting the placement of three (3) additional panel antennas at the centerline of approximately 158 ft. mounted at the same location as the existing antennas. These new antennas are the same shape and color as the existing antennas but smaller in height and would not exceed the top of the tower. The AT&T antennas are located at the highest mounted height on the co-location tower. These new antennas would be used to provide high speed data services (LTD) to its customers. One (1) GPS antenna would be mounted on the existing shelter as a timing source for the equipment. There would be no expansion of the cabinet and shelter compound; no generator; no additional traffic. Mr. Kevin Breuer answered technical questions from the Board members.

The Board made the appropriate findings relative to the required zoning relief. Chairman Moriarty moved that the Board adopt the foregoing findings and grant a finding pursuant to Article III, Section 3.05 of the Zoning By-Law; and approve a Special Permit pursuant to Article XII, Section 12.04, paragraph C sub-sections 3 & 4 of the Topsfield Zoning By-law to add three (3) panel antennas at a centerline of approximately 158’ and one (1) GPS antenna mounted on existing shelter within the existing fenced compound to the existing Major Wireless Telecommunications Facility located at 285 Boston St. The motion was seconded by Member Jody Clineff; so voted; 4-0

**Minutes:** Member Jody Clineff made the motion to approve the minutes of January 5, 2012 as written; seconded by Clerk Kristin Palace; so voted.

**Zoning Update:** Planning Board Chairman Martha Morrison updated the Board as to the proposed zoning changes that the Planning Board are in the process of reviewing for town meeting action specifically the inclusion of increased slope parameters within the

existing Storm Water & Erosion Control By-law and its possible change from a general to a zoning by-law. The ZBA members did not oppose revising the By-law and its possible change to a zoning bylaw; however, the members opined that the ZBA should not be the special permit granting authority. The members also noted their respective concerns on the approach to be taken relative to increasing the slope parameters. The members did not want a lot categorically excluded from development due to the slope on the property since that might infringe of property owner rights and could be subject to legal review as a “taking”.

Ms. Morrison further noted that the Mapping Committee is reviewing the zoning map so that the Town will have a new officially correct map.

The meeting was adjourned at 9:30 PM

Respectively submitted,

Roberta M. Knight  
Community Development Coordinator

